

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PAUL GREEN

MAILED

JUL 28 2006

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Appeal No. 2006-1888
Application No. 09/759,423

ON BRIEF

Before FRANKFORT, OWENS, and CRAWFORD, Administrative Patent
Judges.

FRANKFORT, Administrative Patent Judge.

REMAND TO THE EXAMINER

The above identified application is being remanded to the examiner under the authority of 37 CFR § 41.50(a)(1) for appropriate action with regard to the items listed below.

In light of this remand, the oral hearing scheduled for 1:00 PM on July 13, 2006 has been vacated.

Claims 1 through 12, 21, 22 and 38 through 41 are pending in the application and on appeal. Claims 13 through 20 have been

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canceled. Claims 23 through 37 are also pending in the application, but stand withdrawn from further consideration under 37 CFR § 1.142(b) as being drawn to a non-elected invention. An examiner's answer maintaining various rejections of the claims on appeal under 35 U.S.C. § 112, first paragraph, and 35 U.S.C. § 103(a) was mailed on September 26, 2005.

On November 28, 2005 appellant filed a request for oral hearing and a reply brief. No acknowledgment of or response to the reply brief is found in the record. Thus, we REMAND the application to the examiner to indicate on the record whether the reply brief has been properly entered and considered. We also request a response on the record to the particular arguments raised by appellant in the reply brief concerning both the rejection under 35 U.S.C. § 112, first paragraph, and the rejections under 35 U.S.C. § 103(a).

This application, by virtue of its "special" status, requires immediate action, see MPEP § 708.01 (item D), Eighth Edition, Rev. 4, October 2005.

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REMAND

Charles E. Frankfort

CHARLES E. FRANKFORT)
Administrative Patent Judge)
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Terry J. Owens
TERRY J. OWENS)
Administrative Patent Judge)
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M. Crawford
MURRIEL E. CRAWFORD)
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